

Testimony of Kathy Whitmire

**Presented to the Committee on Budget
City and County of Honolulu Council
April 23, 2014**

Opposition to Bill 69 – Advertising on Buses

RECEIVED
CITY CLERK
C & C OF HONOLULU
2014 APR 22 PM 2:03

Aloha Committee Chairwoman Kobayashi and members of the Budget Committee,

I am asking you to vote NO on Bill 69 because Hawai'i is too beautiful for bus billboards!

My name is Kathy Whitmire, and I have been a resident of the City and County of Honolulu since 2001. I live in the town of Haleiwa on the North Shore of Oahu. Before moving to Hawaii, I served as Mayor of Houston, Texas, from 1982 to 1992. During that time I worked to build a high quality public transportation system and also to protect and enhance the scenic environment. From 2000 to 2002, I chaired the Board of Directors of Scenic America, the only national organization dedicated exclusively to preservation and enhancement of the scenic environment; and from 2003 to 2008 I served on the Board of Directors of The Outdoor Circle here in Hawaii.

There are four points I would like to emphasize regarding the proposal to allow advertising on buses:

- Large advertising signs on public transportation vehicles are “rolling billboards” which detract from the visual environment in the same way that billboards on the roadside do. They also detract from the positive image of the public transit system.
- Hawaii’s scenic beauty is a very valuable economic asset that should not be put at risk by policies that encourage the proliferation of outdoor advertising.
- A ban on rolling billboards has already been established in Hawaii state law.
- Creating new venues for off-site advertising opens the door to costly litigation.

Advertising Signs on Buses Create an Eyesore in the Urban and Rural Environment.

As you know, Hawaii is one of only four states in the United States that have no billboards. Since the State of Hawaii has had the foresight to prohibit off-premises advertising signs along its streets and highways, it may be easy to forget how ugly billboard clutter can be and how much it detracts from the beauty of the city and countryside. However in many cities across the U.S. (including my original hometown of Houston), the clutter became so ugly that it threatened the business climate and the quality of life. As a result, in the past 30 years, hundreds of cities on the mainland have passed ordinances prohibiting construction of additional billboards within their city limits. Shortly after Houston passed such an ordinance, the Board of the Metropolitan Transit Authority recognized that the “moving billboards” which then existed on its buses were detracting from the community effort to clean up the billboard clutter. Therefore the Board adopted a policy in September 1982 to eliminate advertising from all buses and replace it with an attractive graphic design. This program was well received by the community and became a part of the bus system’s efforts to improve its image and increase its ridership. Then in 1993 the Board expanded its policy to prohibit commercial advertising on any transit authority property stating that “the absence of commercial advertising on transit facilities and rights-of-way improves the appearance and encourages greater public acceptance and use of transit facilities and services and more effectively incorporates the transit system into neighborhoods”. In 2004 when Houston’s long-awaited light rail system began operation, the Board’s existing policy prohibited any advertising on the light rail cars. Although there have been many proposals to reconsider this policy in the intervening years, it remains in place and contributes to the scenic environment in Houston today.

While I understand that there are many differences between Honolulu and mainland cities like Houston, I am confident that each of you as members of this City Council support the objective of developing a strong effective public transportation system while protecting the beauty of our urban and rural environment here on Oahu.

Hawaii's Scenic Beauty is a Valuable Economic Asset that Should Not be Put at Risk.

About 100 years ago, Hawaii's beautiful landscape became cluttered with billboards, but laws were passed to protect Hawaii's beauty for future generations of residents as well as visitors. As a result of these long-standing laws, Hawaii has been able to keep sign clutter from obscuring the natural beauty of its landscape. I'm sure everyone on the Budget Committee appreciates the contribution our beautiful landscape makes to the local economy. It would be a very short-sighted move to adopt policies that reverse a century of scenic conservation.

I certainly recognize the difficulties of balancing budgets, but I think the proposal to trade scenic beauty for a small revenue stream is really a false choice. I call on the budget committee to insist that the managers of our public transportation system take a more creative approach to finding cost savings or other new revenues to support a quality bus system and drop their proposal to sacrifice our valuable scenic landscapes. Please do not hold our bus service hostage to this advertising scheme!

A Ban on Rolling Billboards has Already Been Established in Hawaii State Law.

During the time I served as Board President for The Outdoor Circle we actively lobbied the State Legislature to outlaw "rolling billboards" in addition to the stationary billboards that have been banned in Hawaii for many decades. We were pleased that the Legislature did pass a bill

prohibiting vehicular advertising. Now, some are suggesting that there is a loophole in that legislation that could allow the City to put billboards on its buses. But there is no doubt that this would violate the spirit and intent of the law against vehicular advertising. (It would also violate Ch. 41-14.2 of the Revised Ordinances of Honolulu that has been in existence for some years.) While some are citing legal loopholes in state and city laws that could allow bus advertising in accordance with Bill 69, the legislative history in both the City Council and State Legislature speaks clearly against this plan. "Offsite advertising" creates visual clutter distracting from Hawaii's scenic environment whether the advertising is in a fixed location or whether it is moving around our streets and highways.

Creating new Venues for Off-site Advertising Opens the Door to Costly Litigation.

The Outdoor Circle raised money to help the City and County of Honolulu defend its sign laws against attempts to fly advertising banners in the skies over Waikiki and other beaches in the name of free speech. We were successful fighting that fight together. The Ninth Circuit Court of Appeals ruled in 2005 that because Hawaii's billboard ban applies equally to everyone, there was no First Amendment right to express speech in flying billboards. Unfortunately Bill 69 proposes to restrict what type of advertising could be placed thus violating this principle and inviting more lawsuits. I hope we can learn from these past experiences.

Bill 69 is a step backward because it authorizes a new form of outdoor advertising to mar the environment. **I urge you to oppose Bill 69.** If I can provide any assistance or further information on this issue, please call me at 226-9612 or 293-1111 or email me at Kathyjwhit@aol.com. Thank you.